

### **REMARKS**

In response to the non-final Office Action mailed June 27, 2007, Applicants submit this paper accompanied by a petition for a three-month extension of time.

Upon the electronic submission of this paper, the Patent Office was authorized to charge the appropriate extension fee to Deposit Account No. 13-2855. No additional fees are believed to be necessary for proper entry and consideration of this paper. Nevertheless, if the Office deems otherwise, kindly charge the cost thereof to Deposit Account No. 13-2855, Order No. 30071/41865.

Claims 1-7 are pending. No claim amendments have been made.

In light of the following remarks, Applicants believe that the present application is in condition for allowance and respectfully request the Office to acknowledge the same.

### **CLAIM REJECTIONS**

Claims 1-7 stand rejected under 35 U.S.C. §102 as allegedly anticipated by Heard et al. (U.S. Patent No. 5,996,311). Applicants respectfully traverse this rejection.

The presently pending claims are directed to a device for screwing caps onto containers, wherein the device includes heads (2) with gripping tongs (3) for gripping the caps, and control units (4) for operating the gripping tongs (3). The control units are disposed such that they rotate with the gripping tongs (3) along a closed track (K) between an opening position opening the gripping tongs (3) and a closing position closing the gripping tongs (3).

Applicants submit that Heard et al. fail to disclose such features.

For example, Heard et al. does not disclose gripping tongs. "Tongs" are understood by one of ordinary skill in the art as comprising any of numerous grasping devices consisting commonly of two pieces joined at one end by a pivot or hinged like scissors, as defined by the Merriam-Webster Online Dictionary, an internet printout of which is attached hereto. This understanding is further supported by the specification of the originally-filed application, which describes the gripping tongs as being constructed of several, particularly three, gripping arms

(17, 18) which are similar to double levers. *See* third full paragraph on page 3 of the English translation of the originally-filed specification.

On the contrary, Heard et al. disclose an “adapter,” which is identified by reference numeral 76 in Fig. 4. The adapter 76 merely includes a cup-like hollow cylinder with a disk 80 of somewhat pliable material disposed therein. The adapter 76 is pressed onto the cap of the container such that the disk 80 frictionally engages the cap to transfer rotational torque thereto. *See* column 5, lines 35-48. A person having ordinary skill in the art would not equate such an adapter to the “gripping tongs” recited in the claims of the present application because the adapter 76 neither grasps the cap, nor does it include pivoting elements that are typically associated with tongs, as described above.

Further, even if the adapter 76 disclosed by Heard et al. is considered to equate to the gripping tongs of the present invention, Applicants submit that the adapter 76 is not opened and closed by a controller, as recited in claim 1. As discussed above, the adapter 76 is merely a cup-like cylinder. The adapter does not include moving parts, which would enable it to be “opened” or “closed.”

Accordingly, Heard et al. do not disclose a device including gripping tongs for screwing caps, wherein a controller is movable between a closing position closing the gripping tongs and an opening position opening the gripping tongs, as recited in claim 1.

Moreover, by unequivocally disclosing an adapter designed like a cup without any moving parts, Heard et al. do not suggest gripping tongs and a controller movable between a closing position closing the gripping tongs and an opening position opening the gripping tongs, as recited in claim 1.

While Heard et al. describe that other variously configured adapters can be used (*see* column 5, lines 33-35 and lines 46-48), Applicants submit that such description does not amount to a suggestion to use opening and closing gripping tongs. For example, lines 33-35 of column 5 of Heard et al. state that other adapters could be used to operate on other container caps “of various sizes and configurations.” Absent further teaching to the contrary, a person having ordinary skill in the art would simply understand this to suggest that other cup-like adapters 76

having different sizes and/or configurations could be used to accommodate other caps of different sizes and/or configurations. For example, another adapter could be larger than the disclosed adapter 76, smaller than the disclosed adapter 76, could be shaped like a truncated cone, or could have a square, or other shaped cross-section, etc. Nothing suggests replacing the cup-like adapter with moving elements such as the gripping tongs recited in the present application.

Further still, while the Office Action asserts that Heard et al. disclose “[a] control unit [that] rotates a cam (84) around a track...,” Applicants respectfully submit that element 84 of Heard et al. comprises a “stationary cam track.” See column 6, line 25 of Heard et al. Such a stationary cam track does not equate to a “control element allocated [to each gripping tong] to revolve therewith,” as recited in claim 1, because a “stationary cam track” by definition is stationary.

In light of the foregoing, Applicants respectfully assert that Heard et al. fail to disclose or suggest each and every feature recited in independent claim 1, and therefore, claim 1 is in condition for allowance. Moreover, each of claims 2-7 are in condition for allowance as being dependent on claim 1.

Reconsideration and withdrawal of the outstanding rejections is respectfully requested.

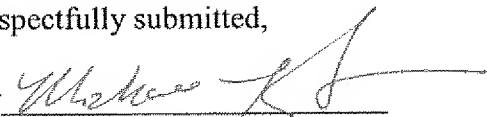
### CONCLUSION

Applicants submit that all outstanding rejections, objections, and/or other concerns have been either accommodated, traversed, or rendered moot. Therefore, the present application is in condition for allowance. If there are any remaining issues that the examiner believes may be addressed efficiently via telephone conference, Applicants hereby invite the examiner to telephone the undersigned at (312) 474-6300.

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Respectfully submitted,

By



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## tongs

5 entries found.

### tongs

tong[1,noun]

tong[2,verb]

hammer and tongs

lazy tongs

Main Entry: **tongs** 🔊

Pronunciation: \ˈtāŋz, ˈtɒŋz\

Function: *noun plural but singular or plural in construction*

Etymology: Middle English *tonges*, plural of *tonge*, from Old English *tang*; akin to Old High German *zanga* tongs and perhaps to Greek *daknein* to bite

Date: before 12th century

: any of numerous grasping devices consisting commonly of two pieces joined at one end by a pivot or hinged like scissors

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